

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE S. GARZA
Plaintiff

Civil Action No. 4:12-cv-03532

Judge Nancy F. Atlas

v.

NATIONAL OILWELL VARCO, L.P.
Defendant

DEFENDANT'S PROPOSED VOIR DIRE

Defendant National Oilwell Varco, L.P. (hereinafter "Defendant" or "NOV") hereby submits the following Proposed Voir Dire Questions to be considered by the Court in conducting voir dire.

GENERAL

1. As you sit here right now, do you believe the Plaintiff should win this case?
2. Does anyone believe that because the Plaintiff has brought this lawsuit that the Defendant must have done something wrong to prompt him into doing so?
3. Do you believe the judge would have thrown this case out by now if it were not valid?
4. Do you have an impression that corporations are dishonest (or greedy)?
5. Are you less trustful of management than the employees they supervise?
6. Does everyone realize/accept the proposition that Plaintiff has the burden of proof? As you sit here right now, there is no presumption that the company has done wrong.

7. Have you ever filed an EEOC charge or employment discrimination/harassment lawsuit (or have any of your family members)?
8. Have you at any time believed that you have been discriminated against or harassed because of your sex, pregnancy, race, color, national origin, religion, age or disability?
9. Have any of you witnessed discrimination in your workplace? Sexual harassment?
10. Have you ever sat on a jury before? Civil or criminal? Was there a verdict? And if so, for whom?
11. If the Plaintiff is not able to prove his case, would you have a problem awarding nothing to him?
12. Do you have unfavorable views of corporations in general?
13. Have any of you ever had any experiences with NOV? If so, any bad experiences with NOV?
14. Do any of you have unfavorable views of the court system? Have any of you had unpleasant professional experiences with lawyers (or the court system)?
15. Are you the member of any victims' rights organizations?
16. Have you ever taken any courses or had any courses or had any training in the following areas: human resources, labor relations, or legal matters generally?
17. Are you more inclined to find against the Defendant because you believe it has the ability to pay a judgment?
18. Do you believe someone claiming wrongful termination must be telling the truth?

19. Do you want the Company to prove to you that it has done nothing wrong rather than requiring that the Plaintiff prove the Company is at fault?
20. Are you inclined to give more weight to Plaintiff's testimony than to the testimony of the Defendant? In other words, are you more apt to believe someone who is accusing a company than you would tend to believe the company who says it has done nothing wrong?
21. Is anyone a member of a union? If so, have you ever filed a union grievance?
22. Have any of you been mistreated by a corporation where you worked?
23. Is there anything, whether it has been asked or not, which makes anyone think he or she might like one side better than the other?
24. Do any of you have a belief that corporations, through their supervisors, tend to hide the truth?
25. Are any of you more likely to believe an individual than someone who is part of corporate management?
26. Do any of you believe that on this jury you should work to achieve a fair result, even if the law seems unfair to you?

TERMINATED

1. Have you ever been terminated by an employer?
2. When?
3. Number of times?
4. Circumstances?
5. Did you file a claim or a lawsuit because of termination?

6. What was the result of that claim or lawsuit?
7. Has your spouse, significant other or close family member ever been terminated?
8. When?
9. Number of times?
10. Circumstances?
11. Did your spouse, significant other or close family member file a claim or a lawsuit because of the termination?
12. What was the result of that claim or lawsuit?

DISCIPLINED BY EMPLOYER

1. Have you ever received any disciplinary action at work?
2. If so, for what?
3. Did you agree or disagree?
4. Did you appeal that action to a higher authority within your employer's organization?
5. What was the result of that appeal?
6. Do you believe you were ever treated unfairly by an employer? Explain the circumstances.
7. Has a family member ever received any disciplinary action at work?
8. If so, for what?
9. Did they agree or disagree?
10. Did they appeal that action to a higher authority within their employer's organization?

11. What was the result of that appeal?
12. Did they believe they were ever treated unfairly by an employer? Explain the circumstances.

EVER DISAGREE WITH EMPLOYER/MANAGER

1. Have you ever disagreed with the actions of your employer?
2. What did you do to voice that disagreement?
3. Did you bring the issue to upper management?
4. What was the result?
5. Have you ever disagreed with your supervisor or manager?
6. How did you voice your disagreement?
7. Did you go up the chain of command to resolve the issue?
8. What happened?
9. Has your spouse, significant other or close family member ever disagreed with the actions of their employer?
10. What did they do to voice that disagreement?
11. Did they bring the issue to upper management?
12. What was the result?
13. Has your spouse, significant other or close family member ever disagreed with their supervisor or manager?
14. How did they voice their disagreement?
15. Did they go up the chain of command to resolve the issue? What happened?

SUPERVISOR

1. Are you a manager of employees?
2. Have you ever been in a management position?
3. Have you ever supervised people?
4. Did you ever hire, fire, or discipline other employees?
5. Do you do that in your current job position?
6. Is your spouse or significant other a manager of employees?
7. Have they ever been in a management position?
8. Have they ever supervised people?
9. Did they ever hire, fire, or discipline other employees?
10. Do they do that in their current job position?

DISCRIMINATION / HARASSMENT

1. Have you ever been subjected to any type of discrimination? Harassment?
Retaliation?
2. What type?
3. What was the result?
4. Did you report this behavior?
5. What did you do about it?
6. What happened?
7. Have you ever been accused of discrimination? Ever accused of harassment?
Retaliation?
8. What was the nature of the accusation of discrimination/harassment? Retaliation?

9. What was the result?
10. Has your spouse, significant other or any close family member ever been subjected to any type of discrimination or harassment? Retaliation?
11. What type?
12. What was the result?
13. Did they report this behavior?
14. What did they do about it?
15. What happened?
16. Has your spouse, significant other or any close family member ever been accused of discrimination or harassment? Retaliation?
17. What was the nature of the accusation of discrimination/harassment? Retaliation?
18. What was the result?

OCCUPATION

1. Where do you work?
2. What is your job?
3. Sole practice or partnership?
4. Do you work for a company?
5. What is your position with the company?
6. What are your duties?
7. Where is the company located?
8. What is the size of the company?
9. Number of years you worked for the company?

10. Where does your spouse or significant other work?

KNOWLEDGE OF PLAINTIFF'S WITNESSES

There are a number of witnesses in this case. Do you know any of them?

1. How do you know him/her?
2. How long have you known him/her?
3. Do you believe that your relationship with him/her will affect your view of this case?

KNOWLEDGE OF COUNSEL

1. Know Mr. Costea?
2. Know Mr. Moore?
3. Know Ms. White?
4. Know Ms. Englander?
5. Know Ogletree Deakins?
6. How acquainted with such attorneys or firm?

NATIONAL OILWELL VARCO, L.P.

1. Also a party to this case is NOV. Do you have any business with NOV?
2. Are you a friend or acquaintance of any NOV employee or management?
3. Have you ever worked for or had any kind of business relationship with NOV?
4. Has your spouse, significant other or close family member ever worked for or had any kind of business relationship with NOV?
5. Is anybody here an employee of NOV?

6. If any of you have had any dealings with NOV, whether they've been good or bad, please let me know.

PRIOR LAWSUITS

1. Have you ever filed a lawsuit?
2. Nature of the suit?
3. Did it go to trial?
4. Result?
5. Has your spouse, significant other or other family member ever filed a suit?
6. Nature of suit?
7. Result of case?
8. Have you, your significant other, or a family member ever been sued?
9. Nature of suit?
10. Did the case go to trial?
11. Outcome of the suit?
12. Do you believe that experience will affect your ability to be neutral in this case or have a bearing on your judgment in this case?
13. Ever file a complaint or charge against an employer?
 - a. For what?
 - b. Outcome of complaint or charge?
 - c. Were you satisfied with that outcome?
14. Did your spouse, significant other or close family member ever file a complaint or charge against an employer?

- a. For what?
 - b. Outcome of complaint or charge?
 - c. Were they satisfied with that outcome?
- 15. Have you ever filed a lawsuit against an employer?
 - a. Nature of suit?
 - b. Outcome of suit?
 - c. Were you satisfied with the outcome?
- 16. Has your spouse, significant other or close family member ever filed a lawsuit against an employer?
 - a. Nature of suit?
 - b. Outcome of suit?
 - c. Were they satisfied with the outcome?
- 17. How do you feel about bringing an action against an employer?
- 18. If you had a problem at work, how would you handle it?
- 19. If you disagreed with something going on at work, would you report it to the company to correct?
- 20. Have you ever filed a suit against a supervisor or manager?
 - a. Nature of suit?
 - b. Outcome of suit?
- 21. Has your spouse, significant other or close family member ever filed a suit against a supervisor or manager?
 - a. Nature of suit?
 - b. Outcome of suit?

22. Have you ever filed a suit against a co-employee?
 - a. Nature of suit?
 - b. Outcome of suit?
23. Has your spouse, significant other or close family member ever filed a suit against a co-employee?
 - a. Nature of suit?
 - b. Outcome of suit?
24. Have you ever filed a suit against or been sued by a business partner?
 - a. Nature of suit?
 - b. Outcome of suit?
25. Has your spouse, significant other or close family member ever filed a suit against or been sued by a business partner?
 - a. Nature of suit?
 - b. Outcome of suit?
26. As a result of the suit you, your spouse, significant other or close family member were involved in, do you believe the judicial process was fair?

OTHER INVOLVEMENT IN LAWSUITS

1. Have you ever been involved in any suit as a witness or juror involving employment discrimination?
2. Explain your involvement.
3. What was the result of that suit?
4. Did you believe the result was fair?

FAIRNESS

1. Do you believe you could be fair in this case of claimed employment retaliation or harassment?
2. Why?
3. Why not?

RESIDENCE

1. Where do you reside?
2. How long have you lived there?
3. Is that where you grew up?
4. Where did you grow up?
5. Number of years lived where grew up?
6. Do you own your home?

EDUCATION

1. What is your educational background?
2. Ever called as an expert witness as a result of your education, experience or background?
3. If so, type of suit?
4. What was the nature of your testimony?

MILITARY SERVICE

1. Have any of you ever served in the military?

LAW BACKGROUND

1. Is there anyone who at any time studied law?

2. When? Under what circumstances?
3. Is anyone in your family involved with the practice of law?
4. What is the nature of that involvement?

MARITAL STATUS AND EMPLOYMENT OF SPOUSE

1. Are you married or in a long term relationship?
2. Is your spouse or significant other employed? If so, please describe your spouse's or significant other's employment.
3. (if relevant) Does your spouse or significant other discuss her work with you? If so, what does he / she tell you about it?
4. Since your husband / wife / significant other works, how long has he / she been in his / her present job?
5. What did he / she do before?

PRECONCEIVED IDEAS ABOUT THIS KIND OF LAWSUIT

1. Do any of you have any preconceived ideas or notions about litigation of this type where a party is seeking damages for alleged employment retaliation/harassment?
2. Have you in the last year or two read any articles about jury verdicts in any particular cases and as a result had any thoughts, notions or ideas about the jury awards in those cases?
3. If so, what thoughts, if any, have you had?
4. What preconceived thoughts or notions do you have about jury awards in a case like this?

5. Do you have any formulated opinions about civil cases seeking money compensation or damages from any employment or other experience?
6. Would that experience affect your fair judgment in this case?
7. Do you feel that serving on a jury in a case of this nature would be a good experience for you?
8. Why or why not?
9. Is there anything about the nature of this lawsuit which would prevent you from being fair to all of the parties?
10. Do you have any feelings, one way or the other, about litigation?

PROFESSIONAL EXPERIENCE

1. Is there anything in your professional experience that you believe may affect you in evaluating this case or reaching a verdict?

Respectfully submitted,

/s/ Christopher E. Moore

Christopher E. Moore, Esq.

(Attorney-in-Charge)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Defendant's Proposed Voir Dire has been served on the following counsel of record via the Court's Electronic Filing/Notification System:

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This 11th day of July, 2014.

/s/ Christopher E. Moore

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